

Application No. 10/606,118
Amendment dated January 11, 2005
Reply to Office Action of August 11, 2004

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

In the Office Action mailed August 11, 2004, claims 10 and 11 were allowed, while claims 1, 5, 6, 9, and 15-20 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.K. Patent No. 810,256 to Luen-Wai Yu ("the Yu patent") in view of a combination of U.S. Patent No. 6,585,391 to Koch et al. ("the Koch patent") and U.S. Patent No. 4,853,531 to Rejc ("the Rejc patent").

By this Amendment, Applicants have canceled independent claims 1, 9, 15, 18, and 20, and dependent claims 5, 6, and 16, without prejudice to filing a continuation application. Applicants also have amended claims 10, 17, and 19, and have added new claims 21-33. Applicants respectfully seek reconsideration of the claims for the reasons set forth below.

Claims 10, 11, 17, 19, 21, and 22

As noted, the Examiner has allowed independent claim 10 and dependent claim 11. Applicants have amended claim 10 to delete the words "high-powered" in reference to the LED in order to make the claim more definite since "high powered" is not believed to have a well understood meaning with regard to LEDs. Therefore, independent claim 10, and dependent claim 11, should still be allowed.

Dependent claims 17 and 19 have been amended to depend from allowed independent claim 10. Additionally, Applicants have added new dependent claims 21 and 22, which depend from claim 10, and define various elements of the invention with more specificity. No new matter has been added. Therefore, claims 17, 19, 21, and 22 should be in condition for allowance for at least the same reasons claim 10 has been allowed.

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New Claims 23-29

Applicants have also added new independent claims 23, 27, and 30 and dependent claims 24-26, 28, 29, 31-33. No new matter has been added.

New independent claims 23 and 27 recite a flashlight having a flange and a lens flange, "wherein the flange is configured to engage the lens flange to position the LED so that the light emitting element is positioned at the focal point of the convergent portion of the lens and the divergent beam is centered on the focal center point of the convergent portion of the lens." As acknowledged by the Examiner on page 8 of the Office Action, the cited references fail to disclose or suggest a flashlight having these limitations.

Because the cited references fail to teach or suggest all of the limitations of claims 23 and 27, independent claims 23 and 27 should be allowable over the prior art. Additionally, claims 24-26 and claims 28 and 29, which depend from independent claims 23 and 27, respectively, should be allowable for the same reasons claims 23 and 27 are allowable.

New Claims 30-33

New independent claim 30 recites a flashlight comprising a flange and a lens flange, "wherein the flange is configured to engage the lens flange to position the LED so that the light emitting area of the LED is positioned at the focal point of the convergent portion of the lens." Similar to the arguments made above with respect to claims 23 and 27, the cited references fail to teach or suggest a flashlight having all of the limitations of independent claim 30. Therefore, new independent claim 30 should also be in condition for allowance. Additionally, claims 31-33, which depend from independent claim 30, should be allowable for the same reasons claim 30 is allowable.

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CONCLUSION

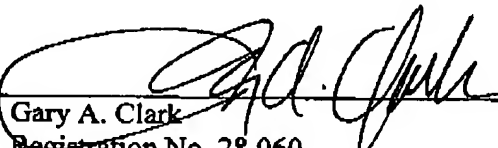
The foregoing amendments and remarks should place this application in condition for allowance. If any matters remain outstanding after consideration of this Amendment that the Examiner believes might be expedited by a telephone conference with Applicants' representative, the Examiner is respectfully requested to call the undersigned attorney at the number indicated below.

Dated: January 11, 2005

Respectfully submitted,

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